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(FW)



Attorney Docket No. 60899 (70301)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Biedermann, et al. Confirmation: 7913  
U.S.S.N.: 10/799,143 Art Unit: 3732  
FILED: March 11, 2004 Examiner: Not yet assigned  
FOR: ANCHORING ELEMENT FOR USE IN SPINE OR BONE SURGERY,  
METHODS FOR USE AND PRODUCTION THEREOF

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "as Express Mail Label No. EV 438995577 US addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 27, 2004.

By: Helen Murray Tarbi  
Helen Murray Tarbi

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

- a. ☒ Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.

- b. ☐ Each of the patents, publications or other information listed on the attached PTO-1449 was previously cited by or submitted to the USPTO in connection with U.S.S.N.: \_\_\_\_\_, to which the subject application claims the benefit of the earlier filing date. As such, a copy of each is not included herewith pursuant to 37 C.F.R. § 1.98(d).

III. CONCISE EXPLANATION OF THE RELEVANCE  
(check at least one box)

- a. ☒ Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).
- b. ☐ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows (following also previously cited by or submitted to the USPTO in connection with U.S.S.N.):
- ☐ English translation for references.  
☐ English abstract for references.  
☐ English translation of search report/ official communication.
- c. ☒ The following additional information is provided for the Examiner's consideration:
- ☒ Copy of EPO Search Report.  
☐ Copy of PCT Search Report.  
☐ English translation of search report/ official communication.

**FEES**

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)  
(check one box)

- a. ☐ within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1)). No fee or certification is required.
- b. ☐ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2)). No fee or certification is required.

- c. ☒ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):  
(check one box)

- before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).
- No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. . § 1.17(p).

or

- ☒ See the certification below. No fee is required.

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby certifies that

- a. ☒ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. — no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
- c. — Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable

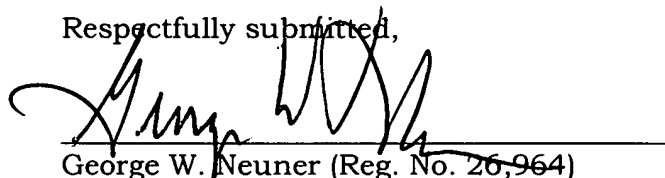
inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VII. FEE PAYMENT (check one)

- \_\_\_\_\_ Enclosed please find a check in the amount of \$180.00 for the above-indicated fee.
- \_\_\_\_\_ Please charge Deposit Account No. 04-1105 in the amount of \$180.00 for the above-indicated fee.
- X** No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule, with a petition if necessary, and charge the appropriate fee to Deposit Account No. 04-1105.

Respectfully submitted,



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<b>FORM PTO-1449</b> <b>INFORMATION DISCLOSURE</b> <b>STATEMENT</b>	<b>DOCKET NO:</b> 60899 (70301)	<b>APPLN SERIAL NO.:</b> 10/799,143
	<b>APPLICANT(S):</b> Biedermann, et al.	
	<b>FILING DATE:</b> March 11, 2004	<b>ART UNIT:</b> 3732

**UNITED STATES PATENT DOCUMENTS**

EXAM. INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

**FOREIGN PATENT DOCUMENTS**

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO
	B1	DE 101 36 129 A1	2/20/2003	DE			No
	B2	DE 101 57 969 C1	2/6/2003	DE			No
	B3	DE 298 10 798 U1	10/28/1999	DE			No

**OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)**

<b>EXAMINER:</b>	<b>DATE:</b>